

REMARKS

Claims 1-21 are pending in the above-referenced patent application; claim 1 is amended herein; claims 2-4 are cancelled, and therefore claims 1 and 5-21 remain for consideration.

Claims 19 and 21 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,606,744 to Mikurak (hereinafter "Mikurak"). The rejection is traversed and reconsideration is respectfully requested. Based on the Examiner's comments, Applicant assumes the rejection of claims 19 and 20 under 35 U.S.C. § 102(e) was intended to be directed to claims 19 and 21 instead of claims 19 and 20 and responds accordingly.

Mikurak is directed to a system, method and article of manufacture provided for collaborative installation management in a network-based supply chain environment. According to an embodiment of the invention, telephone calls, data and other multimedia information are routed through a network system which includes transfer of information across the internet utilizing telephony routing information and internet protocol address information. The system includes integrated Internet Protocol (IP) telephony services allowing a user of a web application to communicate in an audio fashion in-band without having to pick up another telephone. Users can click a button and go to a call center through the network using IP telephony. The system invokes an IP telephony session simultaneously with the data session, and uses an active directory lookup whenever a user uses the system. Users include service providers and manufacturers utilizing the network-based supply chain environment.

The Examiner states that Mikurak teaches customizing an order form, operative with the web site, to a particular procurement process of the user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process. As support for this assertion, the Examiner refers to column 131, lines 29-55 of Mikurak which is reproduced immediately below.

EVENTS, CALENDARING, AND REGISTRATION

Offers user the ability to view upcoming events and register for them online

Checks identity of user to authorize registration

Checks for relevant events based on user profiles and notifies users

Sends out notices to remind users of upcoming events for which user has registered

Maintains calendar of events and administration of calendar

Integrates with commerce functions to provide fee-based registration capabilities (e.g. online registration via credit card)

Referring to operations 6708, 6800, and 6802 of FIGS. 67 and 68, the customer relationship management component of the present invention includes a calendar of events, a notification service, and a way to register for upcoming events. Relevant events are selected based on the profile of a user and the user is notified of the time and place of the event. Once the identity of a user has been verified, the registration of the user is accepted. A notice is sent to a user to remind the user of the event for which he or she has registered. The registration function is integrated with commerce functions to permit fee-based registration capabilities, such as permitting online registration via credit card.

The above passage from Mikurak does not disclose, teach or suggest the extensive procedure recited in independent claim 19 of customizing an order form, operative with the web site, to a particular procurement process of the user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process. Rather, Mikurak merely offers a user a simple questionnaire for viewing and registering online for upcoming events. A notification of such events is available based on user profiles (i.e., a submission of likes and dislikes of the user).

A user profile based on likes and dislikes of the user to determine whether the user would be interested in registering for an upcoming event cannot be equated with streamlining a product procurement process by "inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process" as recited in claim 19 of the present application.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Mikurak does not teach or suggest a method for ordering goods including inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process, it cannot be maintained that claim 19 is anticipated by Mikurak. Moreover, because claim 21 depends from and thereby incorporates the limitations of claim 19, claim 21 is not anticipated by Mikurak for at least the reasons set forth for claim 19.

Claims 1, 5-9, 15-17 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,799,157 to Escallon (hereinafter "Escallon") in view of Mikurak. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to claims.

Escallon is directed to a fully integrated system and method for production and presentation of dynamically linked electronic presentation of information to front end client computers, for providing dynamic access to information from front end client computers, and for formulating, transmitting and processing transactions based upon information presented and accessed. The system and method provides for production of a system for presentation of information to front end client computers in the form of customized electronic books linked to databases of the information presented. The electronic books further include forms for entry of transaction requests based upon such information. The forms are coded for execution of the particular transaction requested thereon by a transaction management system connected to one or more transactional databases.

The Examiner states that Escallon does not explicitly disclose determining the user's specific procurement process. However, the Examiner asserts that Mikurak discloses determining the user's specific procurement process at column 2, lines 41-51, and at column 15, lines 51-64. Applicant respectfully disagrees with the Examiner's assertion.

Mikurak at column 2, lines 41-51 refers to surveying a user as to the user's preferences with regard to equipment for the purpose of upgrades. This cannot be equated with ordering goods including inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process, as generally recited in the independent claims of the present application. Moreover, Mikurak at column 15, lines 51-64 refers to the general collaboration between manufacturers and service providers, but does not involve streamlining the procurement process with a specific user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel as recited in the independent claims. In other words, the teaching of Mikurak does not materially add to that of Escallon to render independent claims 1 and 15 obvious. Moreover, because claims 5-9, 16, 17 and 20 each ultimately depend from and thereby incorporate the limitations of one of the independent claims, these dependent claims are likewise deemed unobvious for at least the reasons set forth for the independent claims.

Claims 2-4, 10, 11 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Escallon in view of Mikurak and Official Notice. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

The Examiner admits that Escallon does not specifically disclose further inventorying a facility of the user, auditing the user's procurement records or querying the user's personnel involved with the procurement process. The Examiner takes Official Notice that the operation of an online service provider that provides procurement/sales services to users allegedly includes the requirement that the user's capabilities to deliver orders and means for accessing, ordering and satisfying the demands of users must be identified. The Examiner concludes that it would have been obvious to one skilled in the pertinent art to modify the disclosure of Escallon to explicitly inventory a facility of the user, audit the user's procurement records, and query the user's personnel involved with the procurement process, as

disclosed in Mikurak and by old and well known art, for the motivation of ordering goods in a processor based system.

Contrary to the Examiner's assertion, it was demonstrated above that Mikurak does not teach or suggest streamlining the procurement process with a specific user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel, as generally recited in the independent claims of the present application. In other words, the teaching of Mikurak does not materially add to the teaching of Escallon to render the independent claims obvious. Because the rejected claims each depend from and thereby incorporate the limitations of one of the independent claims, the rejected claims are not obvious for at least the reasons set forth for the independent claims.

Further, the rejected claims are not obvious in view of the Official Notice of the Examiner. The Examiner merely concludes, without citing prior art, that it would have been obvious for a procurement service to take the extensive steps of inventorying, auditing and querying, as recited in the claims of the present application. Applicant respectfully submits that the Examiner is impermissibly using the teaching of the present invention to summarily conclude that it would have been obvious to modify Escallon and Mikurak with the teachings of the present application to render the rejected claims obvious.

Claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Escallon in view of Mikurak, U.S. Patent No. 5,897,622 to Blinn et al. (hereinafter "Blinn") and Official Notice. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Blinn is directed to a merchant system for online shopping and merchandising. The merchant system architecture provides great flexibility for a merchant to adapt the merchant system to their existing business practices, promotions and databases. The merchant system includes a dynamic page generator, a configurable order processing module and a database module capable

of retrieving data from the database without regard to its schema. The present invention enables merchants to create electronic orders which are easily adaptable for different sales situations. The order processing module includes multiple configurable stages to process a merchant's electronic orders. The merchant system is capable of generating pages dynamically using templates having embedded directives. The database module and the dynamic page generator allow merchants to modify their databases and page displays without having to reengineer the merchant system.

Blinn is apparently cited for disclosing displaying a confirmation message. However, the Examiner admits that Blinn does not teach or suggest displaying a confirmation message including a confirmation number, as recited in claim 12 of the present application. Nevertheless, the Examiner asserts by taking Official Notice that the use of confirmation numbers was old and well known in the art at the time the invention was made. Applicant respectfully disagrees with the Examiner's grounds of rejection.

Claim 12 depends from and thereby incorporates the limitations of claim 1. It has been demonstrated above that the teachings of Escallon and Mikurak taken either alone or in combination are insufficient to render obvious claim 1. It therefore follows that the teachings of Escallon and Mikurak, when taken either alone or in combination with Blinn and Examiner's Official Notice, are insufficient to render claim 12 obvious.

Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Escallon in view of Mikurak and U.S. Patent No. 6,125,352 to Franklin et al. (hereinafter "Franklin"). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Franklin is directed to a system and method for conducting commerce over a distributed network for managing merchant and product information in an electronic shopping basket, payment source information in an electronic wallet, and

shipping address information in an electronic address book. All of such information is stored on a consumer computer. A commerce client running on the consumer computer is configured as a MIME handler and extends the functionality of a standard web browser to support computer-based shopping. A merchant site web server provides HTML-coded web documents which describe merchant products and which host computer-based shopping options. The HTML-coded web documents contain function-calling information by which consumer-selected options invoke shopping-related functions on either the merchant (server) computer or the consumer (client) computer. A consumer selects the options from within the web browser to initiate shopping-related operations such as: retrieve product information from merchants on the world wide web, selectively store product information locally on the consumer computer, locally compare product information from different merchants, locally store payment source and shipping address information and selectively forward such information to merchant sites, order products from web-based merchants, track the status of purchase orders, and receive instructional information on application usage.

The Examiner asserts that Franklin discloses at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data, as recited in claim 13 of the present application. The Examiner also asserts that Franklin discloses a current procurement data further comprising one of a history of ordering and usage, and an accounts receivable summary, as recited in claim 14 of the present application. Applicant respectfully disagrees with the Examiner's grounds of rejection.

Claims 13 and 14 each ultimately depend from and thereby incorporate the limitations of claim 1. It has been demonstrated above that the teachings of Escallon and Mikurak taken either alone or in combination are insufficient to render obvious claim 1. It therefore follows that the teachings of Escallon and Mikurak when taken

either alone or in combination with Franklin are insufficient to render claims 13 and 14 obvious.

In view of the foregoing, it is respectfully submitted that amended claims 1 and 5-21 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

Applicant herein petitions for a one-month extension of time to file this Response. A check in the amount of \$440.00 is enclosed to cover the extension fee (\$55.00) and the fee for filing the accompanying Request for Continued Examination (\$385.00) for a small entity. No additional fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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